

REMARKS

Claims 1-28 were in the case. Claims 1-28 were rejected under the judicially created doctrine of obviousness-type double patenting. This case, as amended, contains claims 1-32.

The undersigned thanks Examiner Gabel for the courtesy of a telephone interview to discuss the double patenting rejection in this case on March 8, 2004. The rejection was based on patent 6,670,194 from which the current application takes priority as a division. The undersigned pointed out to Examiner Gabel that the rejection was in error because the claims under consideration had been subject to a restriction requirement in the parent case. In the parent application, in a paper dated Dec. 13, 2000, claims 1-48 of the parent application were restricted into two groups: Group I (claims 1-19 directed to a method for identifying one or more proteins, protein functions or the level of protein function) and Group II (claims 20-48 directed to a reagent and kit). Claims 20-48 of the parent application are substantially reproduced as original claims 1-28 of the present divisional application. The new claims added to the present case all depend from original claim 22 and do not read on the claims of Group I which were pursued in the parent application. Further, claims of Group II were not rejoined with the claims of Group I in the parent patent.

Claim Amendment

Claims 13, 14, 18 and 19 are amended. Claims 29-32 are newly added.

Claim 13 was amended to correct a grammatical error.

Claim 14 was amended to remove a redundancy.

Claims 18 and 19 change their dependency to claim 6 to correct antecedent basis.

Claims 29 - 32 are newly added kit claims which depend from original claim 22.

None of the amendments or newly added claims add new matter to the application.

The Rejection

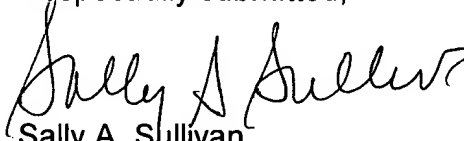
Claims 1-21 are rejected under the judicially created doctrine of obviousness-type double patenting over the claims of issued patent 6,670, 194 from which this application takes priority as a division. Applicant respectfully traverses this rejection. For reasons explained above the obviousness-type double patenting rejection is in error. The subject matter of claims 1-21 is directed to reagents for mass spectrometric analysis. These claims are substantially the same subject matter that was subject to restriction in the parent patent and withdrawn from consideration in the parent by the Examiner. Since claims 1-21 were found to be patentably distinct from the claims issued in 6,670,194, this rejection is improper and should be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that the claims in this case are in condition for allowance. Allowance and issue of the claims is respectfully requested.

This response is accompanied by a check in the amount of \$72 for the addition of four dependent claims. If the enclosed amount is incorrect, please charge any deficiency or credit any overpayment to deposit account 07-1969. No extension of time is believed required. If this is incorrect, Patent Office is authorized to deduct any required extension fees from deposit account 07-1969.

Respectfully submitted,


Sally A. Sullivan
Reg. No. 32,064

GREENLEE, WINNER AND SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201, Boulder, CO 80303
Telephone: (303) 499-8080; Facsimile: (303) 499-8089
Attorney Docket No. 64-98A
lem:May 10, 2004